

Notice of Allowability	Application No. 10/047,195	Applicant(s) ROBINSON ET AL.
	Examiner Salad Abdullahi	Art Unit 2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 9/10/2008.

2. The allowed claim(s) is/are 1-22,33-53 and 64-67.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/10/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312.

To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.

2. Authorization for the examiner's amendment was given in a telephone interview with Mr. Michael R. Hardaway on 12/10/2008
3. The application has been amended as follows.

Please replace the claims as attached.

4. **Claims 1-22, 33-53 and 64-67 are allowed.**

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

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be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Salad Abdullahi/

Primary Examiner, Art Unit 2457

This listing of claims will replace all prior versions, and listings of claims in the application:

1. (Currently Amended) A method for transmitting entity of a plurality of entities within a network to establish a data transmission within the network, the method comprises:

determining identity of a target entity of the plurality of entities;

determining transmission characteristics between the transmitting entity and the target entity, the transmission characteristics comprising network layer overhead data and physical layer overhead data;

determining a transmission convention based on the transmission characteristics; combining data from two or more portions of a data packet into a single portion, the single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission and the two or more portions comprising network layer overhead data and physical layer overhead data;

providing the transmission convention to the target entity; and

wherein the transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting entity and the target entity prior to the data transmission and wherein the transmission path between the transmitting entity and the target entity is a portion of a micro-area network.

2. (Original) The method of Claim 1 further comprises:

awaiting an acknowledgement of receipt of the transmission convention from the target entity;

when the acknowledgement is received within a predetermined time frame, processing data based on the transmission convention to produce transmit data; and transmitting the transmit data to the target entity in accordance with the transmission convention.

3. (Original) The method of Claim 2 further comprises:

when the acknowledgement is not received within the predetermined time frame, resending the transmission convention to the target entity until the acknowledgement is received within the predetermined time frame or a retry sequence has been exhausted.

4. (Original) The method of Claim 2 further comprises at least one of:

awaiting an acknowledgement of receipt of the transmit data; and receiving an error message from the target entity that the transmit data was not accurately received.

5. (Previously Presented) The method of Claim 1, wherein the determining the identity of the target entity further comprises:

receiving a data packet that includes a destination address, wherein the destination address directly or indirectly identifies the target entity.

6. (Previously Presented) The method of Claim 1, wherein the determining the identity of the target entity further comprises:

generating a data packet that includes a destination address, wherein the destination address directly or indirectly identifies the target entity.

7. (Original) The method of Claim 1, wherein the determining the transmission characteristics further comprises, for a given data transmission from the transmitting entity to the target entity, at least one of:

determining transmission resources available between the transmitting and target entities to produce available transmission resources;

determining desired data rate of the given data transmission;

determining transmission distance between the transmitting entity and the target entity;

determining encoding capabilities of the transmitting entity and of the target entity;

determining whether the target entity is a termination node or an intermediate node for the given data transmission; and

determining characteristics of the available transmission resources.

8. (Original) The method of Claim 7, wherein the determining the transmission convention further comprises at least one of:

determining encoding scheme for the given data transmission;

determining a modulation scheme for the given data transmission;

determining a number of the available transmission resources to support the given data transmission;

adjusting the data rate of the given data transmission; and
selecting a particular type of path for supporting the given data transmission.

9. (Original) The method of Claim 8, wherein the determining the encoding scheme comprises at least one of:

determining multilevel encoding for the given data transmission;
determining non return to zero (NRZ) encoding for the given data transmission;
determining Manchester encoding for the given data transmission;
determining block encoding for the given data transmission; and
determining nB/mB encoding for the given data transmission, where $n < m$.

10. (Original) The method of Claim 8, wherein the determining the modulation scheme further comprises at least one of:

determining pulse position modulation (PPM) for the given data transmission;
determining time division multiplexing (TDM) for the given data transmission;
determining frequency division multiplexing (FDM) for the given data transmission;
determining pulse amplitude modulation (PAM) for the given data transmission;
determining amplitude shift keying (ASK) for the given data transmission;
determining frequency shift keying (FSK) for the given data transmission;
determining phase shift keying (PSK) for the given data transmission;
determining quadrature phase shift keying (QPSK) for the given data transmission; and

determining carrier sense multiple access for the given data transmission.

11. (Original) The method of Claim 8, wherein the determining the number of the available transmission resources to support the given data transmission further comprises:

determining whether the given data transmission will be a serial transmission or a parallel transmission based, at least in part, on the data rate of the given data transmission, the transmission distance between the transmitting entity and the target entity, and the particular type of path for supporting the given data transmission.

12. (Original) The method of Claim 1, wherein the determining the transmission characteristics further comprises, for a given data transmission:

accessing a look-up table to obtain at least one of:

transmission resources available between the transmitting and target entities to produce available transmission resources,

desired data rate of the given data transmission, transmission distance between the transmitting entity and the target entity,

encoding capabilities of the transmitting entity and of the target entity, and characteristics of the available transmission resources.

13. (Original) The method of Claim 1, wherein the determining the transmission convention further comprises, for a given data transmission:

accessing a look-up table to obtain at least one of:

encoding scheme for the given data transmission,

MODULATION SCHEME FOR THE GIVEN DATA TRANSMISSION,
number of the available transmission resources to support the given data
transmission, desired data rate of the given data transmission, and
particular type of path for supporting the given data transmission.

14. (Original) The method of Claim 1, wherein the providing the transmission
convention further comprises at least one of:

encoding the transmission convention utilizing a default encoding scheme to
produce encoding transmission convention;

setting a field within overhead portion of data packet to indicate the transmission
convention; and

transmitting a unique message via a set-up bus indicating the transmission
convention.

15. (Currently Amended) A method for establishing a data transmission within a
network that includes a plurality of entities, the method comprises:

identifying a pending data transmission between a transmitting entity of the
plurality of entities and a target entity of the plurality of entities;

determining transmission characteristics between the transmitting entity and the
target entity, the transmission characteristics comprising network layer overhead
data and physical layer overhead data;

determining a transmission convention based on the transmission characteristics;
combining data from two or more portions of a data packet into a single portion,

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the single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission and the two or more portions comprising network layer overhead data and physical layer overhead data;

providing the transmission convention to the transmitting entity and the target entity; and

wherein the transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting entity and the target entity prior to the data transmission and wherein the path is a portion of a micro-area network.

16. (Original) The method of Claim 15, wherein the identifying a pending data transmission further comprises:

receiving an indication from the transmitting entity.

17. (Original) The method of Claim 15, wherein the identifying a pending data transmission further comprises:

receiving a data packet relating to the data transmission from a source external to the network;

interpreting the data packet to identify the transmitting entity for initial receipt of the data packet within the network; and

receiving an indication from the transmitting entity of the data transmission with the target entity.

18. (Original) The method of Claim 15, wherein the determining the transmission characteristics further comprises at least one of:

determining transmission resources available between the transmitting and target entities to produce available transmission resources;

determining desired data rate of the given data transmission;

determining transmission distance between the transmitting entity and the target entity;

determining encoding capabilities of the transmitting entity and of the target entity;

determining whether the target entity is a termination node or an intermediate node for the given data transmission; and

determining characteristics of the available transmission resources.

19. (Original) The method of Claim 18, wherein the determining the transmission convention further comprises at least one of:

determining encoding scheme for the data transmission;

determining a modulation scheme for the data transmission;

determining a number of the available transmission resources to support the data transmission;

adjusting the data rate of the data transmission; and

selecting a particular type of path for supporting the data transmission.

20. (Original) The method of Claim 15, wherein the determining the transmission

characteristics further comprises:

accessing a look-up table to obtain at least one of:

transmission resources available between the transmitting and target entities to produce available transmission resources,

desired data rate of the given data transmission, transmission distance between the transmitting entity and the target entity,

encoding capabilities of the transmitting entity and of the target entity, and characteristics of the available transmission resources.

21. (Original) The method of Claim 15, wherein the determining the transmission convention further comprises:

accessing a look-up table to obtain at least one of:

encoding scheme for the given data transmission,

modulation scheme for the given data transmission,

number of the available transmission resources to support the given data transmission,

desired data rate of the given data transmission, and

particular type of path for supporting the given data transmission.

22. (Original) The method of Claim 15, wherein the providing the transmission convention further comprises at least one of:

encoding the transmission convention utilizing a default encoding scheme to produce encoding transmission convention;

transmitting a unique message via a set-up bus indicating the transmission convention.

Claims 23-32. (Cancelled)

33. (Currently Amended) A method for establishing a data transmission within a network that includes a plurality of entities, the method comprises:

establishing configuration communication between a transmitting entity and a target entity of the plurality of entities;

determining transmission characteristics between the transmitting entity and the target entity, the transmission characteristics comprising network layer overhead data and physical layer overhead data;

determining at least one transmission convention based on the transmission characteristics;

combining data from two or more portions of a data packet into a single portion, the single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission and the two or more portions comprising network layer overhead data and physical layer overhead data;

maintaining the at least one transmission convention by the transmitting and target entities; and

wherein the at least one transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting

entity and the target entity prior to the data transmission and wherein the transmission path between the transmitting entity and the target entity is a portion of a micro-area network.

34. (Original) The method of Claim 33, wherein the establishing configuration communication further comprises at least one of:

transmitting test data from the transmitting entity to the target entity at varying bandwidths;

transmitting test data over each connection between the transmitting entity and the target entity;

transmitting test data from the transmitting entity to the target entity using various encoding schemes; and

transmitting test data from the transmitting entity to the target entity using various modulation schemes.

35. (Previously Presented) The method of Claim 34 further comprises:

deriving a table of transmission conventions based on at least one of: the varying bandwidths, characteristics of each connection, the various encoding schemes, and the various modulation schemes.

36. (Original) The method of Claim 35, wherein the determining the at least one transmission convention further comprises:

selecting the at least one transmission convention based on at least one of: available connections between the transmitting entity and the target entity, bandwidth of

data, and characteristics of the available connections.

37. (Currently Amended) A transmitting entity within a network comprises:
 - processing module; and
 - memory operably coupled to the processing module, wherein the memory includes operational instructions that cause the processing module to establish a data transmission within the network by:
 - determining identity of a target entity of the plurality of entities;
 - determining transmission characteristics between the transmitting entity and the target entity, the transmission characteristics comprising network layer overhead data and physical layer overhead data;
 - determining a transmission convention based on the transmission characteristics;
 - combining data from two or more portions of a data packet into a single portion, the single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission;
 - providing the transmission convention to the target entity; and

wherein the transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting entity and the target entity prior to the data transmission and wherein the transmission path between the transmitting entity and the target entity is a portion of a micro-area network.

38. (Original) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to:
- await an acknowledgement of receipt of the transmission convention from the target entity;
 - when the acknowledgement is received within a predetermined time frame, process data based on the transmission convention to produce transmit data; and
 - transmit the transmit data to the target entity in accordance with the transmission convention.
39. (Previously Presented) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to determine the identity of the target entity by:
- receiving a data packet that includes a destination address, wherein the destination address directly or indirectly identifies the target entity.
40. (Previously Presented) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to determine the identity of the target entity by:
- generating a data packet that includes a destination address, wherein the destination address directly or indirectly identifies the target entity.
41. (Original) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission characteristics, for a given data transmission from the transmitting entity to

the target entity, by at least one of:

- determining transmission resources available between the transmitting and target entities to produce available transmission resources;
- determining desired data rate of the given data transmission;
- determining transmission distance between the transmitting entity and the target entity;
- determining encoding capabilities of the transmitting entity and of the target entity;
- determining whether the target entity is a termination node or an intermediate node for the given data transmission; and
- determining characteristics of the available transmission resources.

42. (Original) The transmitting entity of Claim 41, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission convention by at least one of:

- determining encoding scheme for the given data transmission;
- determining a modulation scheme for the given data transmission;
- determining a number of the available transmission resources to support the given data transmission;
- adjusting the data rate of the given data transmission; and
- selecting a particular type of path for supporting the given data transmission.

43. (Original) The transmitting entity of Claim 37, wherein the memory further

comprises operational instructions that cause the processing module to determine the transmission characteristics for a given data transmission by:

accessing a look-up table to obtain at least one of:

transmission resources available between the transmitting and target entities to produce available transmission resources,

desired data rate of the given data transmission, transmission distance between the transmitting entity and the target entity,

encoding capabilities of the transmitting entity and of the target entity, and characteristics of the available transmission resources.

44. (Original) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission convention for a given data transmission by:

accessing a look-up table to obtain at least one of:

encoding scheme for the given data transmission,

modulation scheme for the given data transmission,

number of the available transmission resources to support the given data transmission,

desired data rate of the given data transmission, and

particular type of path for supporting the given data transmission.

45. (Original) The transmitting entity of Claim 37, wherein the memory further comprises operational instructions that cause the processing module to provide the

transmission convention by at least one of:

- encoding the transmission convention utilizing a default encoding scheme to produce encoding transmission convention;
- setting a field within overhead portion of data packet to indicate the transmission convention; and
- transmitting a unique message via a set-up bus indicating the transmission convention.

46. (Currently Amended) An apparatus for establishing a data transmission within a network that includes a plurality of entities, the apparatus comprises:

- processing module; and
- memory operably coupled to the processing module, wherein the memory includes operational instructions that cause the processing module to:
 - identify a pending data transmission between a transmitting entity of the plurality of entities and a target entity of the plurality of entities;
 - determine transmission characteristics between the transmitting entity and the target entity, **the transmission characteristics comprising network layer overhead data and physical layer overhead data;**
 - determine a transmission convention based on the transmission characteristics;
 - combine data from two or more portions of a data packet into a single portion, the single portion containing less data than the two or more portions combined to reduce an amount of data to be transmitted in the pending data

transmission and the two or more portions comprising network layer overhead data and physical layer overhead data;

provide the transmission convention to the transmitting entity and the target entity; and

wherein the transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting entity and the target entity prior to the data transmission and wherein the transmission path between the transmitting entity and the target entity is a portion of a micro-area network.

47. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to identify a pending data transmission by:

receiving an indication from the transmitting entity.

48. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to identify a pending data transmission by:

receiving a data packet relating to the data transmission from a source external to the network;

interpreting the data packet to identify the transmitting entity for initial receipt of the data packet within the network; and

receiving an indication from the transmitting entity of the data transmission with

the target entity.

49. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission characteristics by at least one of:

determining transmission resources available between the transmitting and target entities to produce available transmission resources;

determining desired data rate of the given data transmission;

determining transmission distance between the transmitting entity and the target entity;

determining encoding capabilities of the transmitting entity and of the target entity;

determining whether the target entity is a termination node or an intermediate node for the given data transmission; and

determining characteristics of the available transmission resources.

50. (Original) The apparatus of Claim 49, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission convention by at least one of:

determining encoding scheme for the data transmission;

determining a modulation scheme for the data transmission;

determining a number of the available transmission resources to support the data transmission;

adjusting the data rate of the data transmission; and
selecting a particular type of path for supporting the data transmission.

51. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission characteristics by:

accessing a look-up table to obtain at least one of:
transmission resources available between the transmitting and target entities to produce available transmission resources,
desired data rate of the given data transmission, transmission distance between the transmitting entity and the target entity,
encoding capabilities of the transmitting entity and of the target entity, and characteristics of the available transmission resources.

52. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to determine the transmission convention by:

accessing a look-up table to obtain at least one of:
encoding scheme for the given data transmission,
modulation scheme for the given data transmission,
number of the available transmission resources to support the given data transmission,
desired data rate of the given data transmission, and

particular type of path for supporting the given data transmission.

53. (Original) The apparatus of Claim 46, wherein the memory further comprises operational instructions that cause the processing module to provide the transmission convention by at least one of:

encoding the transmission convention utilizing a default encoding scheme to produce encoding transmission convention;

transmitting a unique message via a set-up bus indicating the transmission convention.

Claims 54-63. (Cancelled)

64. (Currently Amended) An apparatus for establishing a data transmission within a network that includes a plurality of entities, the apparatus comprises:

processing module; and

memory operably coupled to the processing module, wherein the memory includes operational instructions that cause the processing module to:

establish configuration communication between a transmitting entity and a target entity of the plurality of entities;

determine transmission characteristics between the transmitting entity and the target entity, **the transmission characteristics comprising network layer overhead data and physical layer overhead data;**

determine at least one transmission convention based on the transmission characteristics;

combine data from two or more portions of a data packet into a single portion, the single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission and the two or more portions comprising network layer overhead data and physical layer overhead data;

maintain the at least one transmission convention by the transmitting and target entities; and

wherein the at least one transmission convention is selected in response to the determined transmission characteristics of a transmission path between the transmitting entity and the target entity prior to the data transmission and wherein the transmission path between the transmitting entity and the target entity is a portion of a micro-area network.

65. (Original) The apparatus of Claim 64, wherein the memory further comprises operational instructions that cause the processing module to establish configuration communication by at least one of:

transmitting test data from the transmitting entity to the target entity at varying bandwidths;

transmitting test data over each connection between the transmitting entity and the target entity;

transmitting test data from the transmitting entity to the target entity using various encoding schemes; and

transmitting test data from the transmitting entity to the target entity using various

modulation schemes.

66. (Previously Presented) The apparatus of Claim 65, wherein the memory further comprises operational instructions that cause the processing module to:

derive a table of transmission conventions based on at least one of: the varying bandwidths, characteristics of each connection, the various encoding schemes, and the various modulation schemes.

67. (Original) The apparatus of Claim 66, wherein the memory further comprises operational instructions that cause the processing module to determine the at least one transmission convention by:

selecting the at least one transmission convention based on at least one of: available connections between the transmitting entity and the target entity, bandwidth of data, and characteristics of the available connections.